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SUBJECT: BOSNIA: INL-FUNDED PROJECT HIGHLIGHTS AND RULE OF  
LAW ROUND-UP

REF: A. SARAJEVO 123

[B](#). 08 SARAJEVO 1807

[C](#). 08 SARAJEVO 714

[1](#). (U) Summary: Significant USG investments in information technology systems for law enforcement and judicial institutions in BiH have enabled standardized and efficient case management and the real time exchange of sensitive data to assist police and border officials to interdict smugglers, organized criminals, and potential terrorist suspects. Through the U.S. Department of Justice International Criminal Investigative Training Assistance Program (ICITAP), the USG has provided over \$5 million in IT related assistance over the past ten years. The Overseas Prosecutorial Development Assistance and Training (OPDAT) program is implementing a project to address the high level of reversals on appeal of first instance verdicts in organized crime and war crime cases. Post is actively lobbying the Council of Ministers to move forward with plans to name Directors and Deputy Directors to three newly-created state-level agencies for education, forensics, and police support and flag our concerns about the possible negative effects of state-level budget cuts on the operational capacity of state-level law enforcement agencies. Along with seeking regional performance funds to enable completion of some crucial training projects, Post's Security Working Group will be meeting this month with colleagues from EUCOM to discuss plans for projects to combat narcotics trafficking and terrorism. End Summary.

Selected Ongoing ICITAP and OPDAT activities  
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[2](#). (U) OPDAT is working on a project to help assess a disturbing trend at the State Court: the reversal or modification by the appeals panel of more than 60 percent of verdicts in favor of defendants in organized/financial crime cases. The trend, which was recently highlighted in a report by international experts on international assistance to the State Court and the sustainability of reforms, is of particular concern to us because it undermines public confidence in the judiciary and that of police and prosecutors working on these cases. We have raised the issue numerous times with the State Court as well as the High Judicial and Prosecutorial Council President, noting that Bosnia would need to demonstrate that it is effectively tackling organized crime in order to advance its EU accession efforts, particularly given the problems the EU has had with

Romania and Bulgaria in this regard. Court President Meddzida Kreso indicated that she is spearheading an internal review of the issue. In the meantime, as a first step toward crafting an Embassy strategy to tackle this problem, OPDAT has finished the first phase of a project aimed at assessing the scope of the problem by gathering detailed information about specific cases, including the types of charges involved, first instance and appeal panel verdicts, and the reasons given by the appeals panels for their decisions. Once the project is completed, it will factor into future programming and lobbying efforts to resolve the vexing problem of unfavorable verdict appeals/reversals by the State Court appeals panel.

13. (U) On February 19 and 20, OPDAT sponsored a workshop for 40 judges, prosecutors, enforcement officers, and the Federation's Judicial Training Center on asset forfeiture management. The training, which was requested by the State Court President and provided by the US Marshals Service, was a follow up to training provided on May 27-28, 2008. During the training, participants discussed the major problems they are currently facing in this field, including the lack of an agency similar to the Marshal Service to manage forfeited assets, the lack of an asset tracking system, and needed legislation. We understand that as a result of the class, several participants are planning to lobby government officials -- including from Parliament and the State Ministry of Justice -- to look into the issue.

#### Foreigners Affairs Service Biometric Data Project

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14. (U) Post recently decided to fund a multi-year ICITAP proposal to design, develop and deploy a biometric data program for the Foreigners Affairs Service. ICITAP will implement a technical assistance package to establish the legal, administrative, and regulatory structure within the government of BiH to permit the collection of biometric information from persons seeking entry visas to BiH. ICITAP will provide sufficient training, equipment, and software to equip twelve to fifteen BiH embassies and consulates in countries considered sources of persons posing an economic or criminal threat to BiH or the region. Additionally, ICITAP will provide sufficient training, equipment and software to equip three ports of entry certified to validate biometric data in real time. Visa holders originating from countries where biometric data is collected as part of the issuance process would be legally required to enter BiH at one of the three ports of entry where the biometric data could be verified. The first year funding for this project is \$581,000. Total funding for the four year project will be \$4,516,000.

#### Focus on IT

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15. (U) The USG investment in improving the IT capabilities of law enforcement agencies in BiH began with the concept of a creating a national crime reporting system to collect, store and retrieve criminal reports, statistics and trends. After the events of September 11, 2001, the project expanded to include a state of the art border control system for Sarajevo airport and the provision of an IT backbone to interconnect law enforcement agencies to allow for real time data sharing. In order to promote the real time exchange of standardized criminal reporting data so as to increase BiH law enforcement's ability to identify and interdict serious criminal including organized crime figures and terrorists, ICITAP has initiated, and assisted law enforcement in the implementation of the Standardized Police Reporting System (SPRS); the Border Control Systems (BSC) and Border SPRS Criminal Intelligence Data Acquisition (CIDA) System (a raw intelligence data collection system); Criminal Intelligence Analysis (jointly-funded with EC Community Assistance for

Reconstruction, Development, and Stabilization (CARDS)); and has created a series of IT Standard Operating Procedures (SOPs). ICITAP-provided training to support the BiH Law Enforcement IT program covered very diverse subject areas, such as: Basic and Advanced Police Report Writing; Basic Personal Computer Use for Managers; Automated or Computerized Police Reporting; Basic Network Administration; Basic Information Security; Oracle Database Administration; CIDA Administration and End User Training; I-2 Analytical Training; and Analytical Investigative Methods.

¶6. (U) As of July 30, 2008, the Border Control System has recorded 2.99 million individuals as having entered or exited BiH through an airport where 100 percent of passengers are recorded, or across land borders connected to the system. Since the system was installed 4,199 individuals have either been denied entry to BiH or returned to their country of origin after being identified during normal immigration/customs control operations at Bosnia's international borders. As the system is deployed to more land crossings, this number should significantly increase, providing BiH with greater control over its borders.

#### Leveraging IT Funds in Partnership with EC CARDS

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¶7. (U) From the beginning, the plan was to separate the unclassified civilian data from the encrypted law enforcement data systems. Over the last few years, ICITAP and the EC CARDS programs have worked together to construct compatible security network systems and have been moving the servers out of the Network Operations Center (NOC). EC CARDS set up the backbone for the SDHL system which provides VOIP (internet telephone) services to the police at all levels and acts as a backup to the ICITAP State Police Information Network (SPIN), which primarily moves encrypted data. Both systems support VOIP and data, though the SDHL system primarily supports the police at entity and cantonal levels and SPIN primarily

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supports the state-level agencies. The systems are designed to automatically switch a user to the other should bandwidth on either be taxed through usage. This is critical to ensure an uninterrupted flow of encrypted information.

¶8. (U) Following the creation of the Ministry of Security, ownership of all security systems began to be transferred from the Ministry of Civil Affairs to the Ministry of Security. A second NOC was built and equipment is currently being moved to that site. During the interim and with the creation of the State Investigations and Protection Agency (SIPA), ICITAP negotiated an MOU with the Ministry of Security, SIPA, the Border Police and the new Foreigner Affairs Service (FAS). The MOU established a sharing of assets and experience, since no single state-level agency had sufficient IT personnel to operate its own agency, but collectively, they could support all four. IT and office equipment donations were provided to the new state-level agencies to get them operationally connected as quickly as possible.

#### Hand-over of the IT Training Laboratory

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¶9. (U) On June 28, 2006, the USG officially donated an IT Training Laboratory to Ministry of Security. This state-of-the-art IT lab provides a forum for training the next generation of Network Administrators and Database Administrators who will be responsible for maintaining and updating security IT systems and networks throughout BiH. Administrators learn how to set up and maintain the state-level tools donated by the USG that assist law enforcement agencies in their efforts to combat terrorism, organized crime, transnational crime and trafficking in persons. In addition to this IT Lab, two end user classrooms have been donated to the entity level Police Academies, where

law enforcement officials learn to use computers and a wide variety of software programs, to include all of those created and donated by the USG through ICITAP. The USG investment in the MOS IT Laboratory and End User Classrooms was \$135,000.

#### IT Automation for Courts and Prosecutors

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¶10. (U) Based on the early successes with the Standardized Police Reporting System, ICITAP was asked to assist the Courts and Prosecutors introduce a series of IT Management Systems. A technical advisor worked with the international community, High Judicial Prosecutorial Council, the BiH Constitutional Court and the entity courts to create a framework for court applications. The foundation of this framework is the case tracking system. ICITAP worked with two USAID projects to create the case management module and commercial registry. The Spanish Government built upon that with a document management module. The BiH government has further added a criminal registry and public access module. Equipment and training was conducted in all courts (both civil and criminal) and prosecutors' offices throughout BiH. The applications have given the courts and prosecutors better tools for tracking cases from the initial report to final adjudication. The transferring of cases between courts is now tracked through the use of a single unique case number and the computer system sends court administrators and prosecutors automatic reminders of pending tasks which require them to take action (such as a request to extend temporary incarceration pending trial). A statistical module allows supervisors to better track case loads and activities of subordinates. The ROL Courts and Prosecutors IT assistance package cost \$1,019,958.

¶11. (U) The multi-year SPIN project has just been completed, with the backbone equipment installed on towers throughout the country that will eventually provide data communications access to 80% of all border crossings. All of the Border Police Field Offices, SIPA Regional Offices and FAS Field Centers have been connected. A donation ceremony is being planned transferring ownership of the system to the Ministry of Security. ICITAP trained engineers in SIPA and the Border Police on how to setup, maintain and trouble-shoot the system. They will complete the work of actually connecting

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the borders to SPIN using USG donated equipment as the border crossings continue to be upgraded in accordance with the BiH Integrated Border Management Strategy, which was adopted in ¶2008. All of these systems provide the police with tools for tracking criminals, witnesses and victims; stolen property; sharing criminal intelligence and identifying crime trends for better asset management. The total investment of the USG over the past 10 years for Security IT system, technical advice, infrastructure, applications, equipment and training for the Ministry of Security, SIPA, FAS, BP, two entities, the District of Brcko and thirteen Ministries of Interior is \$5,337,163.

#### Effect of Budget Short Falls on Law Enforcement

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¶12. (U) The economic slowdown has not spared Bosnia-Herzegovina and will require the tightening of the state-level budget. Post is concerned that significant budget cuts for the Border Police, Foreigners Affairs Service and SIPA will have a serious negative effect on the operation capacity of these agencies to fulfill their mandates. The BP's budget request of KM 82 million (USD 54.6 million) was reduced to 75.4 million (USG 50.2 million), which will force a reduction in capital investments and manpower. The BP is currently training a new generation of officers at the academy; however, the reduced budget will prevent the BP from actually offering permanent positions to any of these cadets, even though they are legally obligated to hire them all. Similarly, the FAS's budget request of KM 8.9 million (USD

5.9 million) was reduced to 7.8 million (USD 5.2 million), thus precluding the hiring of any new personnel, despite the fact that they need to staff the new immigration center. The budget costs will also hinder the FAS from meeting cost share requirements for a new wing of the immigration center. Finally, SIPA's budget request of KM 80.4 million (USD 53.6 million) was reduced to 66.5 million (USD 44.3 million), thus significantly reducing plans to increase SIPA staffing in 2009, and providing no funds to furnish or equip the new SIPA HQ building which is scheduled to be completed this year. We are also concerned about the negative operational effect of budget cuts of 18% for both the judiciary and the prosecutor's office. We will continue to work with these agencies on contingency plans and raise the need for increased funding at higher political levels.

#### Expediting the Creation of New State Police Agencies

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¶13. (U) In April 2008 both houses of the BiH Parliament approved two new police laws that fulfilled a major prerequisite for Bosnia to sign a Stabilization and Association Agreement with the EU (Ref C). The two laws called for the creation of seven new state-level police support structures, while postponing local police reform until sometime after the completion of constitutional reform.

The new institutions are to be the 1) Directorate for Coordination of Police, 2) Institute for Forensics, 3) Institute for Establishment and Professional Upgrading of Personnel (Training), 4) Police Support Agency, 5) Independent Candidate Selection Board, 6) Citizen Complaint Board, and 7) Police Officials Complaint Board. Even though almost one year has passed since the signing of the laws (and the SAA), not one of the seven bodies has been fully established. The Ministry of Security held interviews for the positions of Director and Deputy Director for the Institutes for Forensics and Training and the Police Support Agency in June 2008, but the Council of Ministers has to date refused to place the official selection of lead personnel on the agenda. The creation of the other four bodies has been held up due to a dispute in Parliament over the naming of personnel for the Independent Board, which will then recommend the director of the Directorate for Coordination of Police.

¶14. (U) Delays in creating the above agencies, especially those for forensics and training have hindered the implementation of Post's law enforcement capacity building program. ICITAP advisors are in place to assist the leadership of these agencies with the creation of agency

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regulations and to better foster cooperation among entity and cantonal police bodies with the state-level for forensics and training. We believe the new institutes can better promote the specialization of existing forensics labs and training institutions, thereby increasing interaction and cooperation across entity lines while also reducing overall costs to BiH budgets and expanding levels of services provided. We have been in regular contact with personnel in the Ministry of Security and the Council of Ministers (CoM) to encourage an expeditious completion of the appointment process. We have received assurances that the appointment process should be placed soon on the agenda of the CoM and will continue to follow up.

#### Exploring Additional Funding Sources

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¶15. (U) As the list of urgently needed projects in the law enforcement sector outstrips regular Post's SEED-funded allotment, we have explored other avenues to expand USG assistance, including projects for Post Performance Funds and Regional Performance Funds. Post's Security Working Group had identified shortcomings in ability of the Court Police to prevent the intimidation of judges, prosecutors, and

witnesses in organized crime, terrorism and war crimes cases.

Post has recommended the funding of a program with performance funds to equip and utilize expertise from the U.S. Marshals to train the court police to facilitate the protection of court facilities and personnel to minimize the chances of intimidation affecting the outcome of major trials. Post has also recommended extending the contract of the Interim Legal Advisor (ILA) for an additional six months.

Although this was originally a six-month contract, we believe continuing the work of the ILA would help anchor the reforms being put in place by the international prosecutors and judges whose mandates end in December 2009. The ILA can build on the successes of the first six months to provide support to the Special Department for Organized Crime (SDOC) staff to mentor them so they can build stronger cases, manage case-work more efficiently, and strengthen police-prosecutor cooperation to ensure that police investigators understand the type and quality of evidence required; why specific evidence is important, what is and is not admissible in court, how to conduct more thorough and useful witness interviews, and how to be more effective trial witnesses. Post has recommended the using regional performance funds to finance regional training projects on the Criminal Procedure Code and Courtroom Skills as well as in the Enterprise Theory of Investigations in the Area of Terrorism and Organized Crime. Post's Security Working Group will be hosting a delegation from EUCOM's Counter Narco-Terrorism program to discuss funding for projects to combat narcotics trafficking and terrorism in BiH.

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